

Art Unit: 1724

Remarks

Applicants request favorable reconsideration and allowance in view of the foregoing amendments and the following remarks.

Claims 1, 2, 4-17, and 20-30 are pending. Claims 1 and 30 are the independent claims.

Claim 16 has been canceled. Claims 1, 5-8, 17, 20, 21, 23, and 29 have been amended. Claim 30 is newly presented. No new matter has been added.

The Office Action rejected claims 6-8, 20, 21, 23, and 29 under the second paragraph of 35 U.S.C. § 112, as indefinite. This rejection is respectfully traversed.

Regarding the rejection of claims 6-8, Applicants have amended these claims to change the dependencies of these claims from claim 1 to claim 5, which continues to recite features of a "first filter stage" and now recites features of a "second filter stage."

Regarding the rejection of claim 20, Applicants have amended this claim to depend from independent claim 1, which has been amended to recite features of cancelled claim 16 and now recites features of a "branched-off part."

Regarding the rejection of claim 29, Applicants have amended this claim to change the recitation "the filter stage" to "the second filter stage" and to change the dependency of this claim from claim 1 to claim 5, which now recites features of a "second filter stage."

Art Unit: 1724

Regarding the rejections of claim 21 and 23, Applicants have amended these claims to remove the allegedly offending recitations.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112 are respectfully requested.

Claims 1, 5, 6, 17, 28, and 29 stand rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 2,079,574 (*Lea*). Claims 2, 4, 7-15, and 20-27 stand variously rejected under 35 U.S.C. § 103(a) as unpatentable over *Lea* and U.S. Patent No. 5,702,507 (*Wang*), U.S. Patent No. 6,354,936 (*Noh et al.*), U.S. Patent No. 5,904,896 (*High*), U.S. Patent No. 1,918,531 (*Gentry*), and U.S. Patent No. 5,669,946 (*Blair, Jr.*). All rejections are respectfully traversed.

Independent claim 1 has been amended to recite, *inter alia*, a first housing component that, on a base side, has passage openings, which are controlled by pivotable flaps, for a branched-off part of the through-flow of air which can be guided into and out of a second housing component.

It is to be appreciated that independent claim 1 has been amended to recite features based on those of cancelled claim 16.

Applicants respectfully submit that neither *Lea* nor *Gentry* disclose the aforementioned features. Accordingly, without conceding the propriety of the asserted combination, Applicants respectfully submit that the asserted combination is likewise deficient, even in view of the knowledge of one of ordinary skill in the art, for at least the following reasons.

Art Unit: 1724

The Office Action concedes that the primary citation to *Lea* does not disclose all of the features of cancelled claim 16. Nonetheless, the Office Action rejected this claim contending that the secondary citation to *Gentry* provides the disclosures necessary to render this claim obvious. (*Office Action*, page 5). This contention is respectfully traversed.

Applicants submit that the secondary citation to *Gentry* does not disclose the claimed openings or branched-off part. Also, the flaps disclosed by *Gentry* do not even suggest the claimed pivotable flaps.

Initially, Applicants note that the Office Action does not specifically address the presence or absence of all the features of claim 16, save the features of pivotable flaps, except to make a generalized conclusion that they addressed in paragraph 7 of the Office Action. (*Office Action*, page 5). A review of that paragraph 7, however, provides no discussion of, for example, the claimed branched off portion. Thus, while the Office Action addresses the alleged presence of pivotable flaps, the Office Action fails to discuss the branched-off portion.

Turning away from the deficiencies of the Office Action, *Gentry* discloses an air washer that includes deflector plates 22 and 26. (*Gentry*, FIG. 4).

The Office Action contends that these deflector plates are "pivoted air control flaps." (*Office Action*, page 5). This contention is respectfully traversed.

Firstly, *Gentry* expressly teaches that the deflector plates 22, 26 flex/deflect in response to air pressure. Indeed, as *Gentry* explains:

Art Unit: 1724

The deflector plate due to its resiliency and formation, projects into the intake passage, but it is responsive to air pressure ... and during high speed driving ... the air currents drawn through the intake port and passage are sufficient to flex the plate and increase the area of the intake passage.

(Gentry, page 2, lines 41 - 51). Thus, these deflector plates *flex* rather than pivot. Further, this flexing in response to air pressures is required for operation of the *Gentry* invention.

Next, a review of FIG. 4 of *Gentry* reveals that reflector plates 22, 26 do not control openings or openings ... for a branched-off part. Rather, these deflector plates of *Gentry* control the area of the intake passage.

In sum, the claimed branched-off part or the openings ... for a branched-off part are neither addressed by the Office Action nor even suggested by the asserted combination. And, the alleged disclosure of the claimed pivotable flaps is merely a disclosure of flexible plates that do not pivot.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. § 103 are respectfully requested.

In the interests of compact prosecution, in the event that the Office maintains the rejection of independent claim 1, Applicant respectfully requests that the Office identify, with sufficient specificity to establish a *prima facie* case, which specific elements of *Gentry* allegedly correspond to features of claim 1.

Art Unit: 1724

Regarding the rejections of claims 2, 4, 7-15, and 20-27 under 35 U.S.C. § 103, Applicants respectfully submit that the respective secondary and tertiary citations do not add anything that would remedy the aforementioned deficiency in the asserted combination of *Lea* and *Gentry*.

Applicants submit that new claim 30 patentably defines over the cited art for at least reasons similar to those set forth above.

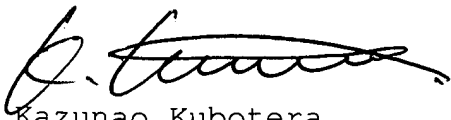
In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

Art Unit: 1724

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Kubotera', with a stylized, flowing script.

Kazunao Kubotera

Reg. No. 51,194

TAKEUCHI & KUBOTERA, LLP

200 Daingerfield Rd.

Suite 202

Alexandria, VA 22314

Tel. (703) 684-9777